

Abele, Ralph

From: Abele, Ralph
Sent: Monday, August 01, 2016 12:19 PM
To: Christine Vaccaro - NOAA Federal
Subject: RE: Proposed Federally Promulgated Aquatic Life Criteria in Maine

Thanks Chris

From: Christine Vaccaro - NOAA Federal [mailto:christine.vaccaro@noaa.gov]
Sent: Monday, August 01, 2016 12:08 PM
To: Abele, Ralph <abele.ralph@epa.gov>
Cc: Voorhees, Jeanne <voorhees.jeanne@epa.gov>
Subject: Re: Proposed Federally Promulgated Aquatic Life Criteria in Maine

Hi Ralph,
I'm actually not available to chat today, but I got your message.

Under the ESA, what you are determining is that the action is not likely to adversely affect listed species. So, what we mean by insignificant or discountable is that any adverse effects are so small they are unlikely to be detected or extremely unlikely to occur. Beneficial effects are also something that is considered NLAA, but the WHOLE action has to be considered beneficial and that can get complicated, so I would not use that language for this.

So, you should indeed be saying that these improvements in the WQS will have minimal adverse effects. Because you are improving the water quality I would stick with just saying any adverse effects (if they were to occur) are discountable because the chance of them occurring is extremely unlikely. You should make that determination for each section of your effects analysis.

I hope this helps, ESA language can be very confusing.
Chris

Chris Vaccaro
Fisheries Biologist
Protected Resources Division
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On Mon, Aug 1, 2016 at 11:53 AM, Christine Vaccaro - NOAA Federal <christine.vaccaro@noaa.gov> wrote:

Hi Ralph,
Overall the information you have included and the standards you are proposing look good. There are a few holes in the analysis that needs to be addressed in order for us to begin section 7 consultation.

Please, for each part of the effects analysis where you say they are "not likely to adversely affect" listed species, also make a statement as to whether the effects are "insignificant" (so small they cannot be detected) or "discountable" (extremely unlikely to occur). Additionally, would you please add the language that you "certify" that you have used the best available information to perform your analysis at the end of the document.

Thanks!

-Chris

Chris Vaccaro
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On Mon, Jul 25, 2016 at 12:06 PM, Abele, Ralph <abele.ralph@epa.gov> wrote:

Dear Ms. Damon-Randall:

Attached is a letter from EPA requesting concurrence from the National Marine Fisheries Service that the promulgation of certain federal water quality standards for aquatic life applicable to Maine is unlikely to adversely affect federally protected species, specifically Atlantic salmon (*Salmo salar*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), and shortnose sturgeon, (*A. brevirostrum*), and the Critical Habitat for Atlantic salmon. We have also evaluated the effect on the proposed Critical Habitat for Atlantic Sturgeon.

Attached is a Biological Assessment for the proposed standards. We are sending detailed maps for each of the listed species in a separate email. Please contact me or Jeanne Voorhees [\(617\)918-1686](tel:6179181686) if you have any questions. We look forward to your response.

Sincerely,

Ralph W. Abele

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attachments

